

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STANLEY L. JOHNSON,)
Petitioner,)
v.) No. 4:09-CV-364-DDN
UNKNOWN HARTENBACH, et al.,)
Respondents.)

ORDER OF DISMISSAL

Having carefully reviewed petitioner's response to show cause [Doc. #10], the Court concludes that the instant action should be dismissed for petitioner's failure to exhaust available state remedies, as set forth in this Court's Memorandum and Order of May 11, 2009 [Doc. #6].

Accordingly,

IT IS HEREBY ORDERED that petitioner's petition for a writ of habeas corpus is **DISMISSED**, without prejudice, for failure to exhaust available state remedies.

IT IS FURTHER ORDERED that petitioner's motions for appointment of counsel [Docs. #5 and #11] are **DENIED** as moot.

IT IS FURTHER ORDERED that petitioner is **DENIED** a certificate of appealability if he appeals this order of dismissal.

Dated this 1st day of July, 2009.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE